

REMARKS

Applicants have reviewed the Office Action dated February 25, 2004 and submit the following for the Examiner's consideration. Claims 1-15 have been amended, and claims 16-17 have been cancelled without prejudice.

In paragraph 1 of the Office Action of February 25, 2004, the Examiner objected to claims 7-10 and 13 and requested that Applicants delete any reference to "Sequence Listing" within the claims. Applicants have complied with this request from the Examiner and now solicit withdrawal of the objection.

In paragraph 2 of the Office Action, the Examiner rejected claim 17 under 35 U.S.C. §§ 101 and 112. Applicants have cancelled claim 17, making this rejection moot.

On page 3 of the Office Action, the Examiner rejected claims 1-15 as being anticipated by Kitamura et al. under 35 U.S.C. § 102(b). In paragraph 3, the Examiner states:

3. Claim 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Kitamura et al. (US5639855).

The claims are drawn to compositions comprising adrenomedullin.

The reference teaches composition of adrenomedullin which is a novel hypotensive peptide that was administered to rats via intravenous injections (see col. 5, lines 42-43 and col. 13, lines 34-67). This teaching meets the limitation of the composition of claim 1. The reference also discloses that the peptide can comprise the sequence from Ser 13 to Tyr 52, Cys 16 to Cys 21, Tyr 1 to Tyr 52, Ala-73 to Tyr 52, Met-94 to Leu 91 in the adrenomedullin peptide (see col. 1, lines 42-67 and col. 2, lines 1-10). Also, the reference discloses various substitutions, deletion, and/or additions to the peptide (see col. 2, lines 9-37). This teaching meets the limitation of claims 7-10 and 13 of the instant application. Further, the reference states that the disulfide bond or -CH₂-CH₂- are linked between Cys 16 and Cys 21 to crosslink the molecule (see col. 2, lines 4-10). Finally, the reference discloses that the carboxyl terminus of the N-Terminal peptide is amidated or a Gly is attached thereto (see col. 2, lines 50-55). This teaching meets the limitation of claims 11-12 of the instant application.

Applicant submits that Kitamura et al does not disclose the method of the amended claims that is inhibiting spontaneous myometrial contraction or bradykinin-induced contraction, or premature labor, miscarriage, parturition prior to cesarean section or dysmenorrhea caused by spontaneous myometrial contraction or bradykinin-induced contraction, thus the inventions of the amended claims are novel and clearly patentable of the prior art.

The Examiner also rejected claims 16-17 under 35 U.S.C. § 102(b) in paragraph 4 of the Office Action. Applicant has cancelled claims 16-17 without prejudice.

It is respectfully submitted all claims remaining in the application (Claims 1-15) are now in condition for allowance. Withdrawal of the rejections and issuance of a Notice of Allowance is requested.

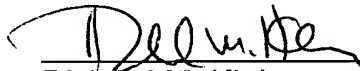
In the event the Examiner considers personal contact advantageous to the disposition of this case, he is hereby authorized to call Richard M. Klein, at telephone number 216-861-5582, Cleveland, OH.

It is believed that no fee is due in conjunction with this response. If, however, it is determined that fees are due, authorization is hereby given for deduction of those fees from Deposit Account No. 06-0308.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP

May 25, 2004
Date

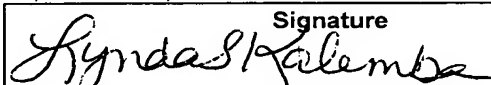

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Certificate of Mailing

Under 37 C.F.R. § 1.8, I certify that this Amendment is being

- ☒ deposited with the United States Postal Service as First Class mail, addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
- ☐ transmitted via facsimile in accordance with 37 C.F.R. § 1.8 on the date indicated below.
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Date
May 25, 2004

Signature

Printed Name
Lynda S. Kalembe